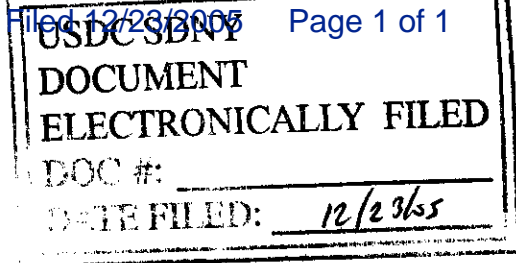


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**-----X  
MARVIN BERNSTEIN, et al.,

Plaintiffs,

05 CIVIL 1322 (GEL)

-against-

**JUDGMENT**

GEORGE E. PATAKI, et al.,

Defendants.  
-----X

Defendants having moved to dismiss the complaint, while plaintiffs having moved to certify a class, and the matter having come before the Honorable Gerard E. Lynch, United States District Judge, and the Court, on December 13, 2005, having rendered its Opinion and Order granting defendants' motion to dismiss and denying plaintiffs' motion for class certification as moot, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 13, 2005, defendants' motion to dismiss is granted and plaintiffs' motion for class certification is denied as moot; accordingly, the case is closed.

**Dated:** New York, New York  
December 23, 2005

**J. MICHAEL McMAHON**\_\_\_\_\_  
Clerk of Court

BY:

  
\_\_\_\_\_  
Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:** ( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$250.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. **No personal checks are accepted.**

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

**APPEAL FORMS**

Docket Support Unit

Revised: March 4, 2003

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-----X		
		<b>NOTICE OF APPEAL</b>
-V-		
		civ. ( )
-----X		

Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**APPEAL FORMS**

Docket Support Unit

Revised: March 4, 2003

civ. ( )

Revised: March 4, 2003

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- Revised: March 4, 2003

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Revised: March 4, 2003